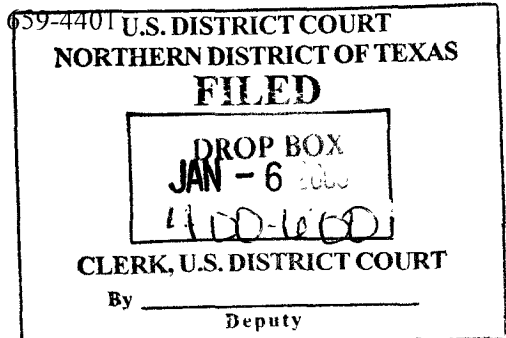


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**COUNSEL FOR
MC ASSET RECOVERY, LLC**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:	§	Chapter 11 Case
	§	
MIRANT CORPORATION, <i>et al.</i> ,	§	Case No. 03-46590 (DML)
	§	
Debtors.	§	Jointly Administered
	§	
MIRANT CORPORATION, <i>et al.</i> , and	§	
THE OFFICIAL COMMITTEE OF UNSECURED	§	
CREDITORS OF MIRANT CORPORATION, <i>etc.</i> ,	§	Civil Case No. 4-05CV-479A
	§	
Plaintiffs,	§	Adversary No. 05-4099
vs.	§	
	§	
THE SOUTHERN COMPANY,	§	
	§	
Defendant.	§	

MC ASSET RECOVERY, LLC'S MOTION TO SUBSTITUTE AS PLAINTIFF

MC Asset Recovery, LLC files this Motion to Substitute as Plaintiff and in support respectfully shows as follows:

1. Rule 25 of the Federal Rules of Civil Procedure allows the Court, upon motion, to substitute a non-party as plaintiff in an action when the existing plaintiff transfers its claims to

the non-party.¹ Pursuant to the bankruptcy court's December 28, 2005 Order Granting Motion of the Debtors for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 1142 Implementing Provisions Relating to the Transfer of Causes of Action to New Mirant and the Transfer of Designated Avoidance Actions to the Litigation Sub, designated avoidance actions, including the claims asserted against The Southern Company in this proceeding (the "Southern Claims"), were to be transferred to a special purpose litigation subsidiary of New Mirant (the "Litigation Sub") under sections 1123(a)(5), (a)(7) and (b)(3)(B) of the Bankruptcy Code.

2. On January 3, 2006, the Litigation Sub was formed under the name of MC Asset Recovery, LLC.² The effective date of the Debtors' Plan of Reorganization also occurred on January 3, 2006 (the "Effective Date"). On the Effective Date, in keeping with the bankruptcy court's December 28 order, the Southern Claims vested in MC Asset Recovery, LLC and it became the successor in interest to the plaintiffs in this adversary proceeding. MC Asset Recovery, LLC is represented by the same counsel as the Official Committee of Unsecured Creditors; thus, MC Asset Recovery, LLC's appearance in this case will not cause any delay. Accordingly, MC Asset Recovery, LLC should be substituted as plaintiff under Federal Rule of Civil Procedure 25.

WHEREFORE, MC Asset Recovery, LLC respectfully requests that the Court substitute MC Asset Recovery, LLC as plaintiff and direct the District Clerk to revise the style of this adversary proceeding to reflect the substitution of parties.

¹ Fed. R. Civ. P. 25(a)(c) ("In the case of any transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party.")

² The Limited Liability Company Agreement of MC Asset Recovery, LLC is attached hereto as Exhibit A.

Respectfully submitted this 6th day of January, 2006.



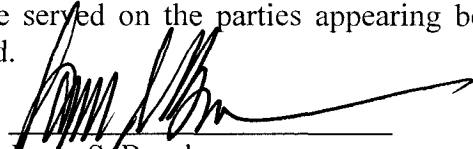
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of January, 2006, he caused a true and correct copy of the foregoing document to be served on the parties appearing below via e-mail, and via first class U.S. Mail, postage prepaid.


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